

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a)

I hereby certify that this paper is being transmitted via EFS Web to the USPTO on

Jan 9, 2010  
Date

Misty Prasad  
Misty Prasad

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

)

Russell Gene Higuchi, et al.

) EXAMINER: Sarae L. Bausch

SERIAL NO.: 10/552,641

) ART UNIT: 1634

FILED: October 7, 2005

) CONFIRMATION NO. 1928

FOR: ASSOCIATIONS OF  
POLYMORPHISMS IN THE FRZB  
GENE WITH OBESITY AND  
OSTEOPOROSIS

) DOCKET NO. 21634-US2

SUMMARY OF INTERVIEW UNDER 37 C.F.R. §1.133 (b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants thank Examiner Sarae Bausch for the interview of January 13, 2010, and hereby submit a recordation of the substance of the interview. An agreement regarding certain claims has been reached. This submission is accompanied by a Response to a Final Office Action and a Request for Continued Examination drafted in accordance with the agreement.

The interview was conducted between Examiner Bausch and the undersigned attorney Olga Kay on January 13, 2010 at 9 AM PST.

The following topics were discussed in the interview: the 35 U.S.C. §112 (written description) and the 35 U.S.C. §112 (enablement) rejection of all pending claims.

The Applicants proposed amendments limiting the FRZB gene to SEQ ID NO:1 and the test individuals to humans. The Examiner agreed that limiting the gene to SEQ ID NO:1 is agreeable but the individuals need to be further limited to human females (women). The Examiner indicated that

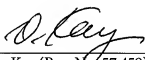
with limitations to SEQ ID NO:1 and women, the §112 (written description) rejection would be withdrawn.

The Examiner further indicated that the data supports predicting the risk of obesity in women but does not support predicting the risk of osteoporosis in either men or women. The Examiner indicated that if the obesity claims were limited to SEQ ID NO:1 and further limited to women as discussed in the preceding section, the §112 (enablement) rejection would be withdrawn.

The Applicants thank the Examiner for the productive interview and await the favorable response to the amendment submitted herewith.

Respectfully submitted,

Date: January 19, 2010

  
\_\_\_\_\_  
Olga Kay (Reg. No. 57,459)

Roche Molecular Systems, Inc.  
4300 Hacienda Drive  
Pleasanton, CA 94588  
Tel: (925) 730-8567  
Fax: (925) 225-1128